

'CONSTITUTION A SCRAP OF PAPER TO SOCIALISTS'

K. of C. Worker Further Testifies They Are Opposed to Religion.

DISLOYALTY IS QUOTED

State Expects to End To-day Its Case Against Suspended Assemblymen.

Special Despatch to THE SUN AND NEW YORK HERALD.

ALBANY, N. Y., Feb. 4.—The State's case against the five Socialist Assemblymen came practically to an end tonight with the Judiciary Committee sustaining by a vote of twelve to one rulings made by Louis Martin, chairman, and with new witnesses testifying that Charles Solomon and Louis Waldman, two of the suspended members, uttered disloyal statements. Assemblyman Maurice Block of New York moved to strike from the records the testimony given by Miss Ellen B. Chivers of Brooklyn that Solomon spat on the American flag. Mr. Martin overruled Mr. Block and on the appeal the Judiciary Committee voted twelve to one to sustain the chairman. Mr. Martin is strongly supporting Speaker Sweet's position in the proceedings.

The committee authorized a commission to go to Milwaukee to obtain a deposition from J. E. Harris, city editor of the Milwaukee Journal, regarding the accuracy of a statement which he reported Louis Waldman made in the Chicago Socialist Convention, as follows: "If we can sway the boys when they get their guns to use them against the capitalists I would be in favor of military training."

Walter R. Hart, Brooklyn lawyer and Democratic nominee for Assembly in 1915, testified that in debate he heard Solomon declare it was "an infamous lie" that he was not a revolutionary Socialist or that he had not supported the government during the war. The Assemblyman repudiated on the stand the charge that he was reactionary and not in favor of revolution, the witness said.

From an appeal issued by the local Communist chapter in Rochester John Standfield read into the record the statement that the Communists and Socialists were one in spirit and reality and were aiming for the same goal.

Peter W. Collins, Kolsh of Columbia worker, testified he had personal knowledge providing that Socialists are opposed to the family relationship, to religion and the Ten Commandments and viewed the United States Constitution as a scrap of paper.

Council Lose Tempers.
There were numerous fiery exchanges between counsel during the day, their tempers having been frayed by the long day of the trial. For instance, St. John Block "rebutted" a statement made by Standfield that the New York City had in 1912 elected across its pages the words "To hell with the flag," and declared that Mr. Standfield was a liar.

Mr. Block is now must produce a copy of that paper or the sergeant at arms would get it.

And at the very close of the session the crowd was thrown into excitement when Mr. Hart was asked by William Karlin, of counsel for the Socialists, whether the former had not enlisted in the Marine Corps in order to escape service abroad. "That is a lie," Hart shouted, and jumped out of his chair as if he were going to a personal encounter with Karlin and the committee restored order and Hart was excused.

Having submitted practically all its evidence against the five Assemblymen, counsel for the State made ready to rest with the closing to-day. One or two witnesses may be called tomorrow and possibly it will be decided to read into the record more documents dealing with the tenets and practices of Socialism.

The Republican majority in the committee, for which Mr. Martin is spokesman, decided to give the Socialists ample time to present the defense. That probably will take four or five days. The taking of testimony, cross-examination and summing up may be concluded next week.

Just before the noon recess Assemblyman Block, member of the Judiciary Committee, asked the privilege of making a motion and moved to strike out Miss Chivers' testimony, saying the flag spitting incident was obviously impossible. He said it was incredible that any man in war times before an American audience would spit on the flag. He is a Democrat and opposed the proceeding from the start.

Mr. Martin at once denied the motion. Mr. Hart described in detail the political meetings he held in the Brownsville section in the 1917 campaign and quoted Solomon's utterances on numerous occasions.

Hart Quotes Solomon.
Among the statements which Hart quoted as having heard Solomon make on the stump were these:

"Mr. Solomon stated this country entered the war for the purpose of robbing the interests of certain Wall Street capitalists, who had loaned money to the Allies and that Wall Street feared unless this country saved the Allies from defeat the money they had loaned would be lost. And for that reason they had used their influence upon the authorities in Washington in order to declare war."

"Solomon took occasion to point out at one meeting as an infamous falsehood that he had supported the Government in the war while people were being sent to jail for uttering their opinions of the Government's attitude in declaring war and in regard to the war in 1917. He supported the St. Louis resolution openly boasted of that fact and openly announced from the platform his support of it."

"He also said he was not a reactionary. He was really and truly a revolutionary Socialist, and that the other men, I believed he referred to them as the left wingers, believed that the entire world laid right down on Pitkin Avenue and in the Twenty-third Assembly district. He said those people believed the time of the revolution was upon him but he did not believe it was, because the people had not reached that point yet because he was a revolutionary Socialist."

"Solomon stated that there had been a talk of revolution during the prime of the war, and people had been asking him in the struggle, 'You do not mean to tell me you people are in favor of revolution?' and he answered frankly, 'We are!' and he explained, revolution does not necessarily mean bloodshed; 'all you have to do is walk up and take control of the government.'"

At the political meetings, Mr. Hart

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stated, he repeatedly charged the Socialists, whom he was opposing, with disloyalty in supporting the war and they never objected. He related how on one occasion he was hosted and housed because he stood up for a draft bill.

"Did you take seriously the threats of the Socialists to overthrow the Government?" Assemblyman Cuvillier asked.

"I told them on one occasion I would like to be one of the reception committee to welcome them with machine guns," the witness said.

Peter W. Collins, recalled to testify, declared that the Socialists have advocated pronounced disrespect for the legislation of the United States; that it had no binding force on the American people and consequently no binding force upon the Socialists; a disrespect for religion and the Ten Commandments.

"I want to object to the introduction in this case of religious bias and prejudice," declared Mr. Standman. "Politically and otherwise the introduction of differences in religion leads to nothing but bitterness and unreasoning anger and conduct born of prejudice."

Martin Conboy, who was conducting the examination of Mr. Collins, said: "It is not intended to introduce any question of religious differences. It is intended to support the charges that these men are engaged in a movement to destroy the family, to destroy the influence of the Church and to overturn the whole fabric of a constitutional form of government. We do not intend to go into any question of religious belief, but we do intend to show that the Socialists are opposed to all religion and regard religion as the antithesis of Socialism."

Chairman Martin announced that all remarks bearing on the religious issue should be stricken from the records.

"I have found a most vicious argument expressed by Socialists toward the family," Mr. Collins said. "The declaration being made that a family was simply an institution of capital, that it was not an institution that was of any great age, that it was simply formed by capital and the property interest for the purpose of keeping the workers in a state of degradation for their exploitation; that when Socialism came into its own in the Socialist commonwealth the family would vanish and disappear with capital."

St. John Block, of the Socialists' counsel, rose to "protest against testimony of this kind," and demanded the names of Socialists' books advocating these doctrines, which were given immediately by Mr. Collins.

It was made known today that in 1917 Assemblyman Link introduced in the Assembly a resolution declaring "the guilty of giving aid and comfort to the enemy" any member of the Legislature who failed in any way to support the federal legislation. That was offered after the Socialists had voted against Mr. Link's resolution offering the Assembly sympathy to sailors and soldiers who had been injured in a naval engagement. The resolution of censure was referred to the Judiciary Committee of which Mr. Martin was chairman and was there tabled.

Benjamin Gitlow, the former Assemblyman who for the last week and a half has been on trial for criminal anarchy in the Supreme Court, acted as his own advocate yesterday for the purpose of explaining to the jury that he was devoted to the principles of Communism and had dedicated his life to them.

Gitlow offered no defense to the charges against him when the prosecution rested its case on Tuesday. His address yesterday hardly touched the evidence in the case at all, and after he had talked half an hour the court stopped him. The rest of the day's session was devoted to the summation of counsel. The case will go to the jury today.

GITLOW DEFENDS HIS VIEW OF COMMUNISM

Argues His Own Case Till Halted by Court.

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SAID SKY WAS LIMIT IN NEWBERRY CASE

Witness Quotes Frederick Cody as Telling Him "Lid Was Off."

SEVENTEEN MORE HEARD

Senator Overruled in Objection That Conspiracy to Violate Laws Is Unproved.

Grand Rapids, Mich., Feb. 4.—(Continued from page 1.)

line in the face of general objection by the defense, that the Government had failed to prove a conspiracy existed to violate the Federal election and postal laws, eighteen witnesses appeared at today's session of the trial of Truman H. Newberry, United States Senator from Michigan, and his 122 co-defendants. The defense contended that the individual acts of defendants could not be offered in evidence at this stage, but Judge Sessions held that the Government could marshal its testimony as it saw fit.

Two bits of evidence offered were considered by the prosecution as important to the conspiracy charge. James Swinburn, head of the New York branch of the Detroit News, said Frederick Cody, a defendant, told him in New York: "The lid is off in Michigan, and the sky is the limit."

Walter Chappell, editor of a weekly newspaper at Harrisville, Mich., testified that Benjamin F. Reed, Deputy State Labor Inspector, and another defendant, and solicited him to become a county chairman in the Newberry organization and told him:

"The freight will be paid."

Wrangle Over Cross-Examination.
The Government forces were overruled frequently when they tried to confine cross-examination of their witnesses to the material developed by direct questioning. Attempts by the defense to search the motives of witnesses in certain campaign acts, however, were halted by the court. The defense contended that such testimony would go to the heart of the conspiracy charge, but Judge Sessions ruled that it was not proper cross-examination.

The question came up in the cross-examination of Lyle Shanahan, a lawyer from Charlevoix, and one of the organizers of the committee of three which has charge of the Newberry campaign in his county. Shanahan testified that he had received \$100 from J. J. Harris, chairman of the committee and a defendant. W. H. Elchorn, questioning for the Government, drew from Shanahan that he had used \$3 of that amount to pay a challenger at the primary polls, but had not accounted for the remainder.

"You understand," the witness said, "that Judge Harris did not tell me this was Newberry money, and that I was a Newberry man before the committee was organized."

Martin W. Littleton, on cross-examination, asked if Shanahan considered he had done any wrong in accepting the money, bringing a successful contest for Frank C. Bailey, Assistant Attorney-General.

Shanahan testified that he had spent \$12 to \$15 in collecting primary returns by telephone, that many persons crowded his office that evening and that he had the place closed next day.

"That constituted my expense in the campaign," he said.

Similarly, the Government blocked questioning of Charles Leane, its witness on the morality of the expression regarding "freight."

Light on Helme Candidates.
The campaign of James W. Helme for the Democratic Senatorial nomination again was brought into the trial through the testimony of Van A. Loomis, a deputy sheriff and private detective from Jackson. Loomis said he had been hired by Charles W. de Land, a defendant, to circulate Helme nominating petitions. He admitted receiving \$25 for the work and said he had partly filled two petitions having space for twenty-five names each.

The defense centered its efforts in trying to introduce by cross-examination of Government witnesses a conversation at a New York club between the late Theodore Roosevelt, Commander Newberry and several Michigan political leaders, but was blocked by a court ruling. The fact that the conversation had taken place was disclosed over the objections of the Government.

Among the witnesses were several seagraders and typists employed at Newberry campaign headquarters in Detroit. They named numerous defendants they had seen about the office, told of being paid in cash, and some of them related that there was a cash chest in the vault at headquarters.

We Recommend
Of the books published in January the one which has appealed most to our readers is

The Splendid Outcast
By GEORGE GIBBS.
While this may not be the book selected by the literary editors as the finest piece of literature, it is the novel which 80 out of every 100 of our readers advise us has given them the most pleasant and satisfactory evening's reading.

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MARTENS ACCUSES FORMER U. S. CONSUL

Involves Poole in Allied Plot to Blow Up Bridges Entering Petrograd.

"EXPULSED BY SOVIETS"

Admits Lenine Letter Urging U. S. Workers to Overthrow Government.

Special Despatch to THE SUN AND NEW YORK HERALD.

WASHINGTON, Feb. 4.—The assertion was made before the special sub-committee of the Senate Judiciary Committee today by Ludwig C. A. K. Martens, agent of Soviet Russia in the United States, that John Poole, former American Consul-General in Petrograd, had been implicated in an international plot against the Bolshevik government.

The plot, according to Martens, had included plans for the blowing up of the railway bridges approaching the Russian Imperial capital. Later, in the State Department it was officially stated that the charges had been heard of before and that not a fragment of evidence was attached to them.

Martens went on to say that Consul-General Poole had attended a secret conference in the American Consulate at which the plots were hatched. Discovery of the conspiracy by agents of the Soviet "Third Section" was made, and according to the statement of Martens Poole was seriously implicated. At the instance of the Foreign Minister, Georg Tschicherin, proceedings were dropped, but Mr. Poole practically was expelled from Soviet Russia.

That the confidence of the State Department in the integrity of Mr. Poole has been unshaken by the attacks of the Lenine-Protzky agents is remarked in the fact that Mr. Poole is still regarded as head of the Russian bureau of the State Department, and from his office it was that the recent brochure against the Bolshevik propaganda here and abroad was published under an official imprint. Mr. Poole has been associated with him here in his study of the situation some of the most expert specialists on Russia in the United States.

Martens also charged that Edgar Sloan, of the Committee on Public Information, who went to Russia just after Bolshevik control of the affairs of Russia, had played a double game while in the country. Mr. Martens said that Sloan had cooperated in the activities of the reactionaries.

Former Senator Hendrick, of Georgia, who is acting as legal adviser to Martens, promptly made demand on the committee that Poole and Sloan be subpoenaed to testify.

No less than seventeen efforts have been made by the Bolshevik government to effect some sort of a trade relation with America, Martens told the committee. These communications had been sent both to the President and to Secretary of State Lansing. No reply whatsoever had been received, he declared.

Martens occupied a considerable part of the day's proceedings by reading at length from a prepared statement covering propaganda of his Government carried on at the Russian front and among the soldiers of the Allies. He described the propaganda as purely defensive and denied categorically that in his capacity as Ambassador to the United States he has ever participated in any activities looking to the demolition of the American Government or the substitution here of a Soviet republic.

Martens was forced to accept as valid a letter by Lenine sent to the senators of the United States urging overthrow of the Government. He said, however, that this letter was sent four months before he came to America as an Ambassador.

Hearings Soon on \$50,000,000 Loan
WASHINGTON, Feb. 4.—Republican members of the House Rules Committee decided today to give early consideration to the bill authorizing new government loans of \$50,000,000 to European countries for food relief, but fixed no date for a committee meeting.

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Pinnacle of Quality

THE New York Times on Sunday represents the last word in newspaper production, both in illustrations and articles. It is a pinnacle of quality. The special articles supplementing all the day's news at home and abroad are carefully chosen with a view to covering vital subjects in this period of world wide change.

Noteworthy articles next Sunday in the Magazine and other sections of

The New York Times

Befogged by Falsehood

Raymond B. Fosdick, former Under Secretary-General of the League of Nations, admits there are real arguments against the League, but declares its opponents befoog the question with glaring misrepresentations.

Southern Mississippi River

Charles A. Selden's ninth article on after-the-war problems describes the business outlook and the labor questions in Arkansas, Tennessee, Mississippi and Louisiana.

Another World Conflict

The prospects of war within ten years, discussed by Professor Albert Bushnell Hart of Harvard in his usual brilliant style.

Problems of the Orient

The second of ex-Senator Theodore E. Burton's articles, interpreting the social and business conditions of the Far East.

Money Hunters from Abroad

A humorous tribute by Benjamin de Casseres to Americans who meet the expectations of visiting poets, lecturers and ghost raisers.

News pictured next Sunday through striking photographs in

The New York Times

First photographs of the scenes of the murder of the former Czar by the Bolsheviks at Ekaterinburg, Russia, showing the abandoned mine shaft into which the bodies of the Romanoff family were thrown, the room where the murder took place, the receipt given by the Soviet commander for the person of the Czar and many other details.

Riots at the Reichstag building in Berlin last month in which twenty persons were killed and more than a hundred wounded when a mob of 100,000 tried to storm the assembly.

Winter carnival of sports at Saranac Lake: Ralph Whitehall of Montreal wins the ski championship; last lap of the half-mile championship skating race.

Art objects of the Architectural League damaged or destroyed by fire at the gallery of the American Fine Arts Society.

From the top of Corcovado, a rocky peak overlooking Rio de Janeiro, sailors of the U. S. S. Idaho admire the beauties of that city.

In the Review Books Section of The New York Times next Sunday:

Brander Matthews will discuss a posthumous volume of essays by Oscar Wilde.

Amy Lowell will write on some of the tendencies of modern painting in a review of Charles Woodbury's "Painting and the Personal Equat on."

Benjamin de Casseres will discuss mid-Victorian England in a review of Miss Bethan-Edwards, volume of reminiscences.

The New York Times
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